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10 Attorneys for Plaintiff, DATAQUILL LIMITED, a British Virgin Islands Company

11
12 **UNITED STATES DISTRICT COURT**

13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 **DATAQUILL LIMITED,**

15 **Plaintiff,**

16 **v.**

17 **NOKIA CORPORATION,**

18 **Defendant.**

Case No. **'07 CV 1055 L**

BLM

**COMPLAINT FOR PATENT
INFRINGEMENT**

19 1. This is an action for patent infringement arising under 35 U.S.C. § 271. This Court has
20 exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 (federal question) and 1338(a)
21 (patent).

22 2. Plaintiff DataQuill Limited is a limited company organized under the laws of the British
23 Virgin Islands. DataQuill owns an exclusive right, title and interest in United States Patent No.
24 6,058,304, entitled "Data Entry System," issued May 2, 2000; and United States Patent No.
25 7,139,591, entitled "Hand Held Telecommunications and Data Entry Device," issued November 21,
26 2006 (collectively referred to herein as "the patents in suit"). DataQuill has standing herein to sue
27 for infringement of the patents in suit.

28 ///

ORIGINAL

1 3. Defendant Nokia Corporation is a corporation organized under the laws of the Republic
2 of Finland, with executive offices in Espoo, Finland.

3 4. Nokia has a research and development facility, called the Nokia Research Center,
4 located in San Diego, California. The Nokia Research Center has a specific focus on what Nokia
5 refers to as its "Broad Appeal" mobile phone products.

6 5. Nokia also is involved in patent litigation in the Southern District of California, against
7 Qualcomm Inc.

8 6. On information and belief, after reasonable opportunity for further discovery, the
9 evidence will likely support that Nokia, through employees and/or agents, imports, offers for sale,
10 and sells in the United States, and in this judicial district, devices alleged herein to infringe claims of
11 the patents in suit.

12 7. This Court has personal jurisdiction over Nokia because Nokia has established
13 minimum contacts with the forum, at least as alleged above in Paragraphs 4 – 6, and the exercise of
14 jurisdiction over Nokia would not offend traditional notions of fair play and substantial justice.

15 8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) because Nokia is an
16 alien that may be sued in any district, and because of its contacts with this judicial district as alleged
17 above in Paragraphs 4 – 6.

18 9. On information and belief, after reasonable opportunity for further discovery, the
19 evidence will likely support that Nokia, for instance through its employees and/or agents, have
20 infringed and continue to infringe directly, by inducement, and/or contributorily, at least one claim of
21 each of the patents in suit, for example, by acts concerning making, having made, using, selling,
22 and/or offering to sell, and/or importing certain mobile handset products including, for example, at
23 least Nokia's E62, and 6102 series devices.

24 10. DataQuill's allegation of infringement herein does not include at least claims 43, 54, 61
25 and 62 of the '304 patent.

26 11. On information and belief, after reasonable opportunity for further discovery, the
27 evidence will likely support that Nokia has continued its infringement despite having notice of the
28 patents in suit, and has committed and is committing willful patent infringement.

12. Nokia's infringement has caused monetary damage and irreparable injury to DataQuill. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to DataQuill.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff DataQuill respectfully requests that this Court enter judgment against Defendant Nokia, granting the following relief:

- a. Award damages adequate to fully compensate DataQuill for the infringement that has occurred, including prejudgment and post-judgment interest;
- b. Award enhanced damages as permitted pursuant to 35 U.S.C. § 284;
- c. Award attorneys' fees and expenses based on this being an exceptional case pursuant to 35 U.S.C. § 285;
- d. Permanently enjoin Nokia, its customers, and all those acting in concert or participation with them from further acts of infringement; and
- e. Award such other and further relief as is allowed or just.

JURY DEMAND

DataQuill demands trial by jury on all issues so triable in this action.

Dated: June 8, 2007

RESPECTFULLY SUBMITTED,

HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

By:


Gregory S. Markow

Attorneys for Plaintiff, DATAQUILL, LIMITED

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ORIGINAL

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

DATAQUILL LIMITED

DEFENDANTS

NOKIA CORPORATION

2007 JUN -8 PM 3:15

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gregory S. Markow (SBN 216748)
Hecht Solberg Robinson Goldberg & Bagley LLP
600 W. Broadway, 8th Floor
San Diego, CA 92101 619-239-3444

ATTORNEYS (IF KNOWN)

'07 CV 1055 L

BLM

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

PATENT INFRINGEMENT 35 U.S.C. 271

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veterans Benefits 160 Stockholders Suits 190 Other Contract 195 Contract Product Liability 	<p>PERSONAL INJURY</p> <ul style="list-style-type: none"> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury <p>PERSONAL INJURY</p> <ul style="list-style-type: none"> 362 Personal Injury-Medical Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <ul style="list-style-type: none"> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability 	<ul style="list-style-type: none"> 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 RR & Truck 650 Airline Regs 660 Occupational Safety/Health 690 Other <p>LABOR</p> <ul style="list-style-type: none"> 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act 	<ul style="list-style-type: none"> 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <ul style="list-style-type: none"> 820 Copyrights 830 Patent <input checked="" type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <ul style="list-style-type: none"> 861 HIA (13958) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(e)) <p>FEDERAL TAX SUITS</p> <ul style="list-style-type: none"> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS - Third Party 26 USC 7609 	<ul style="list-style-type: none"> 400 State Reappointment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities Exchange 875 Customer Challenge 12 USC 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<ul style="list-style-type: none"> 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Tort to Land 245 Tort Product Liability 290 All Other Real Property 	<ul style="list-style-type: none"> 441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 440 Other Civil Rights 	<ul style="list-style-type: none"> 510 Motions to Vacate Sentence Habeas Corpus 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prisoner Conditions 		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding • 2 Removal from State Court • 3 Remanded from Appellate Court • 4 Reinstated or Reopened • 5 Transferred from another district (specify) • 6 Multidistrict Litigation • 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.e.p. 23 ☐

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES • NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

DATE June 8, 2007

SIGNATURE OF ATTORNEY OF RECORD

Docket Number

Gregory S. Markow
Attorneys for Plaintiff

PAID \$350 - 6/8/07 BL RPT # 432 TT 139165

::ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

ORIGINAL

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should completed the form as follows:

I.(a) Plaintiffs - Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

(c) Attorneys. Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place the "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate's decision.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.
(rev. 07/89)

ORIGINAL

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**# 139165 - BH
* * C O P Y * *
June 08, 2007
15:18:26**

Civ Fil Non-Pris

USAO #: 07CV1055 CIV. FIL.
Judge.: M. JAMES LORENZ
Amount.: \$350.00 CK
Check#: BC# 6174

Total-> \$350.00

**FROM: DATAQUILL V. NOKIA
CIVIL FILING**